

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANDREA CROOK, *individually and on behalf  
of all others similarly situated,*

Plaintiff,

v.

REALPAGE, INC.; GREYSTAR REAL  
ESTATE PARTNERS, LLC; LINCOLN  
PROPERTY CO.; FPI MANAGEMENT, INC.;  
MID-AMERICA APARTMENT  
COMMUNITIES, INC.; AVENUE5  
RESIDENTIAL, LLC; EQUITY  
RESIDENTIAL; ESSEX PROPERTY TRUST,  
INC.; THRIVE COMMUNITIES  
MANAGEMENT, LLC; and SECURITY  
PROPERTIES INC.,

Defendants.

No. 2:23-cv-00054

STIPULATED MOTION AND  
ORDER SUSPENDING  
DEADLINE FOR CERTAIN  
DEFENDANTS TO RESPOND TO  
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff Andrea Crook (“Plaintiff”) and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., BH Management Services, LLC, Cushman & Wakefield, Inc., and UDR, Inc. (collectively, the “Stipulating Defendants”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiff filed a Class Action Complaint (the “Complaint”) on January 10,  
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2023. ECF No. 1.

WHEREAS, Plaintiff served the Stipulating Defendants with process on or about January 24, 25, 26, 27, and 30, 2023.

WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.'s revenue management software.

WHEREAS, as of the date of this filing, the parties are aware that one or more of the Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona, California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, and other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.'s revenue management software.

WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on Multidistrict Litigation to transfer this case and others to the U.S. District Court for the Northern District of Texas for consolidated pretrial proceedings;

WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agreed that party and judicial efficiency would be best served by suspending, for a short period of time, the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the Complaint.

WHEREAS, similar orders have been entered in other related cases subject to Defendants' MDL Petition, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D. Colo.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agree that the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the

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1 Complaint should be suspended and should be set on the same date as the deadline ultimately  
2 established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry*  
3 *et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage,*  
4 *Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No.  
5 2:22-cv-01726 (W.D. Wash.).

6 WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to file a joint status  
7 report with the Court by April 21, 2023.

8 In making this stipulation, the Stipulating Defendants do not waive, in this or any other  
9 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.  
10 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action  
11 waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to  
12 seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek  
13 arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses  
14 (or any other defense) in response to either the Complaint or any original, amended, or  
15 consolidated complaint that may be filed in this or any other action.

16 THEREFORE, Plaintiff and the Stipulating Defendants stipulate and agree to suspend  
17 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to  
18 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

19 STIPULATED to this 10th day of February, 2023.  
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We certify that this memorandum contains  
1,946 words, in compliance with the Local Civil  
Rules.

/s/ Steve W. Berman

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**ORDER**

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., BH Management Services, LLC, Cushman & Wakefield, Inc., and UDR, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., BH Management Services, LLC, Cushman & Wakefield, Inc., and UDR, Inc. shall file a joint status report with the Court by April 21, 2023.

Dated this 13th day of February, 2023.



Robert S. Lasnik  
United States District Judge